

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AXEL RENTAS,

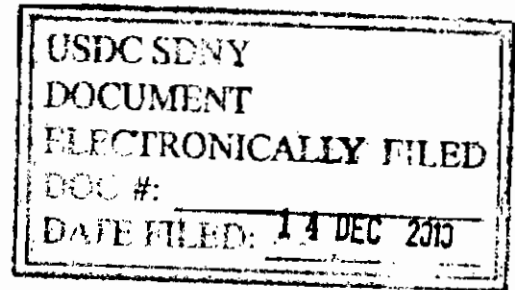
Plaintiff,

-v-

No. 10 Civ. 3906 (LTS)(MHD)

DRA BLAIN et al.,

Defendants.
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ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Axel Rentas ("Plaintiff") brought this action pursuant to 42 U.S.C. § 1983 against Defendants. On November 29, 2010, Magistrate Judge Michael H. Dollinger issued a Report and Recommendation ("Report"), recommending that the unopposed request of Plaintiff's newly-retained counsel that this action dismissed without prejudice be granted. Neither party has made any objection to the Report, and the time to do so has elapsed.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(c) (West 2008). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wynn v. Lempke, No. 08 Civ. 3894 (RJS), 2009 WL 1227362, at *2 (S.D.N.Y. May 5, 2009).


The Court finds no clear error in Judge Dollinger's recommendation. Accordingly, the Court accepts the Report. This action is hereby dismissed without prejudice. Because the dismissal is without prejudice, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c).

In addition, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962).

The Clerk of Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York
December 14, 2010



LAURA TAYLOR SWAIN
United States District Judge